

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DON RUPPEL, individually and on behalf of all others
similarly situated,

Plaintiff,

v.

CONSUMERS UNION OF UNITED STATES, INC.,

Defendant.

Civil Action No. 16-cv-02444-KMK

**NOTICE OF MOTION FOR ATTORNEYS' FEES, COSTS, EXPENSES,
AND INCENTIVE AWARD**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on November 30, 2018 at 11:00 a.m. before the Honorable Kenneth M. Karas, United States District Judge for the Southern District of New York, 300 Quarropas Street, White Plains, New York 10601, Plaintiff Don Ruppel, by and through Class Counsel, will move and hereby does move for an order (1) approving the payment of attorneys' fees, costs, and expenses in the amount of one-third of the settlement fund, (2) granting Mr. Ruppel an incentive award of \$7,500 in recognition of his efforts on behalf of the class, and (3) awarding such other and further relief as the Court deems reasonable and just.

PLEASE TAKE FURTHER NOTICE that, in support of the motion, Plaintiff will rely upon the accompanying memorandum of law in support, the Declaration of Don Ruppel, and the Declaration of Joseph I. Marchese, with annexed exhibits.

Dated: September 18, 2018

Respectfully submitted,

By: /s/ Joseph I. Marchese
Joseph I. Marchese

BURSOR & FISHER, P.A.

Scott A. Bursor
Joseph I. Marchese
Philip L. Fraietta
888 Seventh Avenue
New York, NY 10019
Telephone: (646) 837-7150
Facsimile: (212) 989-9163
Email: scott@bursor.com
jmarshese@bursor.com
pfraietta@bursor.com

Frederick J. Klorczyk III
1990 North California Blvd., Suite 940
Walnut Creek, CA 94596
Telephone: (925) 300-4455
Facsimile: (925) 407-2700
Email: fklorczyk@bursor.com

Class Counsel